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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,244	08/21/2001	Paul G. Allen	4000.2.51	6487
32641	7590	06/28/2006	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
				2623

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,244	ALLEN ET AL.	
	Examiner Christopher M. Lambrecht	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,11-13,15,16,19,20,31-38,41-43,45,46,49-58 and 60-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,11-13,15,16,19,20,31-38,41-43,45,46,49-58 and 60-68 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/2006.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's failure to adequately traverse facts Officially noticed in the previous Office action is treated as an admission of the facts so noticed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 8, 11–13, 15, 16, 19, 20, 31, 32, 34, 35, 38, 41–43, 45, 46, 49–51, 53, 56–58, 60, and 62–68 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels, U.S. Patent Application Publication No. 2002/0032907.

Regarding claim 31, figure 35 of Daniels illustrates a television system comprising a tuner (television signal tuner), a video controller (controlling means), a detection component (data signal tuner), and a buffering component (recording means). The television signal tuner receives a television signal, [0164], from a signal source, such as a cable television connection, [0169]. The controlling means controls the display of (and thus displays) the

received television signal on a display device (fig.35, displaying means). [0162]. The data signal tuner extracts a data signal from the received signal by determining (i.e., detecting) when the vertical blanking interval (VBI) occurs and capturing the data contained therein. [0164]. The extracted data comprises, e.g., hyperlinks that the user may activate to obtain additional information related to the television program. [0163]. The VBI-embedded data thus constitutes an interactive option that provides a user with the ability to interact with television programming. By detecting the VBI and extracting this embedded data, the data signal tuner thus detects an interactive option, as claimed. If the user responds to the detected interactive information by, e.g., activating or clicking on an embedded hyperlink, [0163], the received television program is recorded (i.e., buffered) on the recording means for subsequent playback, [0162]. The disclosed recording operation is performed automatically when the user responds to the interactive option. [0161]. Daniels further discloses that this system enables the user to resume viewing of a time-shifted program without waiting for the entire program to finish recording, [0082]–[0083]. Daniels therefore discloses an interactive television system for mitigating interruptions during television viewing, as claimed.

As to claim 32, Daniels discloses the system of claim 31 as set forth above further comprising a prompting component (controlling means). The disclosed system prompts the user to accept or reject the interactive option by allowing the user to select an embedded hyperlink in a displayed program, [0163], if desired, [0159], fig.31. This display of information is controlled by the controlling means. [0162].

As to claims 34 and 35, Daniels discloses the system of claim 32 as set forth above further comprising a playback component (playing-back means). Upon returning to the

television program (i.e., terminating the interactive option), the television program is played back from the point at which it was paused responsive to the viewer's selecting the interactive option. [0160]. This functionality is performed by the controlling means in conjunction with a playing-back means. [0083]. The television signal that is played back responsive to a user command (i.e., to return to the television program) is the television signal being buffered while the interactive option is active.

As to claim 38, Daniels discloses the system of claim 31 as set forth above wherein the recording means applies MPEG compression to the video signal and stores the compressed signal on, e.g., a hard drive, [0091]. MPEG compression is a form of encoding; the recording means therefore inherently comprises an encoder that encodes the television signal and a storage device that stores the encoded signal.

As to claim 41, Daniels discloses the system of claim 31 as set forth above further comprising a playback component that, in response to a user responding to the interactive option, automatically plays back the television signal being buffered, as discussed with respect to claim 34, above. Further, during automatic playback of the buffered television signal, the playback component resumes display of a real-time television signal from the signal source in response to a user command. [0118].

As to claim 42, Daniels discloses the system of claim 41 as set forth above wherein the playback component plays back the buffered television signal at a modified rate, e.g., fast forward, in response to a transport control, [0124].

Regarding claims 1, 2, 4, 5, 8, 11, and 12, Daniels discloses the claimed method steps as applied to the corresponding system elements in the rejections of claims 31, 32, 34, 35, 38, 41, and 42, above.

Regarding claims 43, 45, 46, 49, and 50, Daniels discloses an interactive television system comprising a tuner, video controller, detection component, prompting component, and buffering component as set forth in the rejection of claims 31 and 32, above. User activation of a hyperlink to explore interactive content amounts to “the user accepting the interactive option,” as recited in claim 43. The limitations set forth in claims 45, 46, 49, and 50 are disclosed by Daniels as applied to claims 34, 38, 41, and 42, respectively.

Regarding claims 13, 15, 16, 19, and 20, Daniels discloses the claimed method steps as performed by the corresponding system elements in claims 43, 45, 46, 49, and 50.

Regarding claim 51, Daniels discloses the claimed system comprising a tuner, video controller, detection component, prompting component, and buffering component as set forth in the rejection of claim 31, above. The additional, interactive information related to the television program provides, e.g., a comprehensive view of an advertised product, [0159], and thus constitutes an interactive survey. Further, the system detects an interactive survey becoming available by detecting the presence of the additional content in the VBI of the television signal, [0163].

As to claim 53, Daniels discloses the system of claim 51 as set forth above, wherein the buffering component automatically buffers the television signal in response to the user initiating the interactive survey, [0161].

As to claim 56, Daniels discloses the system of claim 51, further comprising a playback component as set forth in the rejection of claim 34. Daniels discloses that, in response to the interactive survey being completed, the system plays back the television signal being buffered from a point in time at which the interactive survey was initiated by the user. [0160].

As to claims 57, 58, and 60, Daniels discloses the claimed subject matter as set forth in the rejection of claims 38, 41, 42, and 51, above.

Regarding claims 62–65, Daniels discloses the claimed interactive television system as set forth in the rejection of claims 31, 32, 34, and 43, above.

As to claim 66, Daniels discloses the method of claim 1, wherein the interactive option comprises following an Internet link, as set forth in the rejection of claim 33, above.

As to claims 67 and 68, Daniels discloses the method of claim 1 as set forth above, wherein the interactive option is enabled by sending a trigger, comprising a network address, to the interactive television system; [0161], [0163].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 3, 6, 7, 33, 36, 37, 52, 54, 55, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Allibhoy et al. (“Allibhoy”), U.S. Patent No. 5,818,440.

Regarding claims 3 and 33, Daniels discloses the system and corresponding method of claims 1 and 32 further comprising a playback component that, in response to the interactive option being terminated, automatically plays back the television signal being buffered from a point in time at which the television program was paused, i.e., a time at which the user responded to the interactive option; see rejection of claim 34, above. Daniels does not disclose playing back the buffered signal from the time at which the interactive option was detected. Allibhoy, however, discloses a system that automatically renders the interactive television content upon its detection. Col.5 l.63–col.7 l.3. Upon termination of the interactive application, the television system is returned to the previous television presentation. Col.7 ll.18–40. This benefits the user by reducing the level of interaction necessary to access the interactive content. Col.3 ll.54–60. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Daniels to include automatically activating the interactive content and, upon termination, returning to the previous presentation, as taught by Allibhoy, in order to simplify operation for the user. In this manner, the combination of Daniels and Allibhoy teaches a playback component that, in response to the interactive option being terminated, automatically plays back the buffered television signal from the time at which the interactive option was detected.

As to claims 6 and 36, Daniels discloses the system and corresponding method of claims 1 and 31. Daniels and Allibhoy together, as applied to claims 3 and 33, teach a playback component that automatically plays back the buffered television signal from a point at which the interactive option was detected. Allibhoy further discloses a button for quitting the automatically activated interactive application, i.e., rejecting the interactive option, and

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returning to television viewing. Col.7 ll.6–26. The combination of Daniels and Allibhoy therefore teaches a playback component that, in response to the user rejection the interactive option, automatically plays back the buffered signal from the time at which the interactive option was detected.

As to claims 7 and 37, Daniels discloses the system and corresponding method of claims 1 and 31. Daniels and Allibhoy together, as applied to claims 3 and 33, teach a playback component that, in response to the user not accepting (i.e., rejecting) the interactive option, automatically plays back the television signal being buffered from a point in time at which the interactive option was detected. Allibhoy further discloses that the user may reject the application within an established time interval, i.e., before the application runs to completion. Col.7 ll.6–26.

Regarding claim 52, Daniels discloses the system of claim 51. Daniels and Allibhoy together teach that the buffering component automatically buffers the television signal in response to the interactive content (i.e., survey) being detected as set forth in the rejection of claims 3 and 33, above.

As to claim 54, Daniels discloses the system of claim 51. Daniels and Allibhoy together, as applied to claims 6 and 36, teach a playback component that, in response to the interactive survey being rejected by the user, automatically plays back the television signal being buffered from the time at which the interactive survey became available (i.e., was detected).

As to claim 55, Daniels and Allibhoy together disclose the system of claim 51, further comprising the claimed playback component as set forth in the rejection of claims 3 and 33. Allibhoy additionally discloses returning to the previous television presentation upon

completion of the interactive application. Col. 7 ll.4–26. Thus, the combination of Daniels and Allibhoy teaches a playback component that, in response to the interactive survey being completed, plays back the television signal being buffered from the time at which the interactive survey became available.

Regarding claim 61, Daniels and Allibhoy together disclose the claimed subject matter as set forth in the rejection of claims 3 and 33, above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on M-F, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on M-F at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
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Art Unit 2623

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